

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SAMANTHA G. CHANEY, *et al.*,

Plaintiffs,

v.

JOSEPH D. LEHMAN,

Defendant.

v.

FRED CHISOM

Interested Party

Case No. C04-5881 FDB

ORDER DENYING MOTION FOR
EMERGENCY RELIEF

This matter comes before this Court on motion of Fred Chisom for immediate release from confinement and for an award of punitive damages. This Court has previously dismissed the claims for injunctive and declaratory relief concerning the contention that Plaintiffs are entitled to release from confinement due to the vesting of early release credits. This Court also dismissed the damage claims. An appeal of that order is pending in the Ninth Circuit.

The general and well-established rule is that, upon the filing of a timely notice of appeal,

1 jurisdiction is immediately transferred from the district court to the appellate court. During the
2 pendency of the appeal, the district court retains only the limited jurisdiction to assist the appellate
3 court in its resolution of the appeal. The district court can only make modifications to preserve the
4 status quo while an appeal of the judgment is pending. NRDC v. Southwest Marine Incorporated,
5 242 F.3d 1163 (9th Cir. 2001). Filing a notice of appeal divests a district court of control over
6 aspects of the case involved in the appeal. Griggs v. Provident Consumer Discount Co., 459 U.S.
7 56, 58 (1982).


8 Fred Chisom's request for immediate release and punitive damages is related to issues
9 pending before the Ninth Circuit. This Court lacks jurisdiction to entertain the motion.

10 ACCORDINGLY;

11 IT IS ORDERED:

12 The Motion for Immediate Release and Punitive Damages [Dkt. #49] is **DENIED**.

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14 DATED this 7th day of August, 2007.

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18 FRANKLIN D. BURGESS
19 UNITED STATES DISTRICT JUDGE
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